

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VALLEY NATIONAL GAS,  
INC., a West Virginia Corporation,

Plaintiff,

v.

MICHAEL B. MARIHUGH,  
an individual,

Defendant.

Case No. 5:07-cv-11675

Hon. John Corbett O'Meara

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MILLER, CANFIELD, PADDOCK AND  
STONE, P.L.C.  
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**STIPULATED CONSENT JUDGMENT AND PERMANENT INJUNCTION**

This matter having come before the Court on the stipulation of the parties, the Court previously having entered its September 20, 2007 Order Granting Plaintiff's Motion for Preliminary Injunction and its related October 1, 2007 Opinion and Order, Defendant Marihugh further hereby representing that he disavows and disclaims the October 11, 2007 Motion for Reconsideration (filed by his former counsel), to the extent that it was or purports to have been filed on his behalf, and the Court otherwise being fully advised:

IT IS HEREBY ORDERED AND ADJUDGED that a Permanent Injunction be entered in favor of Plaintiff, and that Defendant Marihugh is hereby:

- (a) enjoined and restrained, for a period of one year from the entry of the Court's September 20, 2007 Order Granting Plaintiff's Motion for Preliminary Injunction, *i.e.*, through September 20, 2008, from engaging in any business, directly or indirectly, as employee, beneficial owner, officer, director, representative, agent or partner, or consultant or advisor to, for or of any person, firm, corporation, association, trust or other entity which is competitive with Plaintiff in the distribution and resale of industrial gases, welding products and supplies, medical gases, liquid propane, gas, and other products comprising the business of Plaintiff, within an area of seventy-five miles of the Business Locations defined in the Employment Agreement (*i.e.*, Wixom, Michigan; Howell, Michigan; Garden City, Michigan; and Roseville, Michigan);
- (b) enjoined and restrained, for a period of one year from the entry of the Court's September 20, 2007 Order Granting Plaintiff's Motion for Preliminary Injunction, *i.e.*, through September 20, 2008, from soliciting or doing business with any of Plaintiff's customers, in the above-described geographic area, for a competing business purpose;
- (c) enjoined and restrained from retaining, using or disclosing any of Plaintiff's confidential or trade secret information, and from rendering any services to any person, firm, corporation, association or other entity to whom all or part of Plaintiff's customer list has been, or has been threatened to be, disclosed.

IT IS FURTHER ORDERED AND ADJUDGED that any remaining claims by Plaintiff against Defendant Marihugh in this matter are hereby DISMISSED WITHOUT PREJUDICE AND WITHOUT COSTS.

IT IS FURTHER ORDERED AND ADJUDGED that this Stipulated Consent Judgment and Permanent Injunction does not alter or affect in any way the Court's prior or future Orders or rulings with regard to the awarding of attorneys' fees or costs.

IT IS FURTHER ORDERED AND ADJUDGED that this Stipulated Consent Judgment and Permanent Injunction resolves all issues in this matter with the exception of Plaintiff's October 22, 2007 Petition for Attorneys' Fees and Costs.

SO ORDERED.

Date: March 25, 2008

s/John Corbett O'Meara  
United States District Judge

STIPULATED TO:

MILLER, CANFIELD, PADDOCK AND  
STONE, P.L.C.

COTHORN & MACKLEY, P.C.

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Dated: March 19, 2008

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